

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL F. CROXEN, THE VETERANS
ASSISTANCE COMMISSION OF
KANKAKEE COUNTY, and THE SOUTH
SUBURBAN HOUSING CENTER

Plaintiffs,

-v-

TIVOLI ENTERPRISES, INC., an Illinois
Corporation, and PAULA DOE,

Defendants.

JUDGE CASTILLO

DOCKETED
JAN 08 2002

02C 0171

NO
MAGISTRATE JUDGE LEVIN

Jury Trial Requested

FILED-ED5
02 JAN -8 AM 11:54
CLERK
U.S. DISTRICT COURT

**COMPLAINT FOR TEMPORARY,
PRELIMINARY AND PERMANENT
INJUNCTIVE RELIEF AND ACTUAL AND PUNITIVE DAMAGES**

I. INTRODUCTION

1. This housing discrimination case is brought on behalf of a physically handicapped, homeless, military veteran, against the owners and managers of a multi-unit apartment and Cinema complex who refused to rent him an available unit because of his disability, telling him that they were concerned about their own liability if he should fall. This action is brought pursuant to the Fair Housing Amendments Act, 42 U.S.C. § 3601 *et seq.* and its implementing regulations, 24 CFR Part 100.203 *et seq.*

Mr. Croxen is seeking temporary and permanent injunctive relief to enjoin defendants from refusing to rent to him because of his handicap. He is joined in this action by THE VETERANS ASSISTANCE COMMISSION OF KANKAKEE COUNTY, which was unable to

assist Mr. Croxen in finding housing and was required to spend its financial resources temporarily housing plaintiff and by the SOUTH SUBURBAN HOUSING CENTER, a fair housing organization servicing Kankakee and the Southern Suburbs.

II. JURISDICTION

2. This court has jurisdiction over the subject matter of this case pursuant to 42 U.S.C. §§ 3613, 1331 and 1343. Venue is proper in the Northern District of Illinois, Eastern Division since the defendant's principle place of business is therein.

III. PARTIES

A. Plaintiff

3. Plaintiff Michael F. Croxen is a 47-year old disabled military veteran who is homeless and residing in Kankakee, Illinois. Mr. Croxen is a handicapped person within the meaning of Section 802(h) of the Fair Housing Act, 42 U.S.C. § 3602(h). Mr. Croxen suffers from a severe degenerative back disease. As a result of his condition, Mr. Croxen receives Social Security Disability benefits as well as Veteran's Benefits. Mr. Croxen is perfectly capable of living independently with little, if any, need for accommodation and is able to safely go up and down stairs.

4. Plaintiff Veterans Assistance Commission of Kankakee County (hereinafter referred to as the "VACKC") is a military veterans organization created pursuant to the authority of the Military Veterans Assistance Act, 330 ILCS 45/0 *et seq.* for the purpose of assisting disabled veterans, such as Mr. Croxen, with items such as housing. At all times relevant hereto, the VACKC was attempting to assist Mr. Croxen to overcome his homeless status by finding him suitable housing in the Kankakee area.

5. Plaintiff SOUTH SUBURBAN HOUSING CENTER (hereinafter referred to as "South Suburban") is an Illinois Not-For-Profit Corporation with its principle place of business located at 18220 Harwood, Homewood, Illinois 60430. South Suburban's primary purpose is to promote equal opportunity in housing in the southern areas of Chicago, Kankakee and Danville, Illinois. One of its major goals is the elimination of unlawful discriminatory housing practices. In support of its efforts to promote equal opportunity in housing, South Suburban engages in activities to identify barriers to fair housing within Illinois, to counteract and eliminate discriminatory housing practices and to protect the rights of its constituents to enjoy the benefits of living in an integrated community. In addition, South Suburban engages in housing counseling and referral services for its clients and investigates complaints on behalf of its clients.

B. Defendants

6. Defendant Tivoli Enterprises, Inc. is an Illinois Corporation with its principle place of business in Downers Grove, Illinois. Tivoli is a family-owned business run by William, Shirley and Chris Johnson. Tivoli owns fifteen cinemas, including the Paramount Theater in Kankakee and owns and manages the multi-unit rental dwelling above the Paramount Theater.

7. Defendant Paula Doe (last name a pseudonym) is the property manager of the rental units above the Paramount Theater. Paula is responsible for taking prospective tenant applications, and screening and assisting in the selection of tenants for the complex. All of the actions taken by Paula herein were authorized and/or ratified by Tivoli Enterprises, Inc.

IV. FACTUAL ALLEGATIONS

8. In or around September 26, 2001, plaintiff Michael F. Croxen applied for an available efficiency apartment above the Paramount Theater, 213 N. Schuyler Ave., Kankakee, IL 60901,

in response to an ad placed by the defendants. Mr. Croxen was fully qualified to rent an apartment at the Paramount with no accommodation necessary as a result of his handicap.

9. With the assistance of Richard Campbell, Superintendent of VACKC, Mr. Croxen faxed an application for rental to the defendants.

10. Despite his qualifications, defendants have refused and failed to rent an available apartment to him or to negotiate for the rental of an apartment. In addition, defendants have expressed a preference for persons without a handicap. Defendant Paula Doe informed Croxen that Tivoli would not rent to him because of his disability, stating that they were concerned due to their potential liability if he were to fall going up or down the stairs.

11. In an effort to assist Mr. Croxen to find housing and to prevent him from remaining homeless, the VACKC contacted Paula on his behalf. Paula informed Richard Campbell that defendants would not rent to their client because of his disability. As a result, the VACKC was forced to expend money and resources to temporarily house Mr. Croxen in a hotel. The VACKC was subsequently unable to find suitable housing for Mr. Croxen and he returned to living on the street and in a shelter.

12. Plaintiff Croxen and the VACKC contacted the South Suburban Housing Center in an effort to assist Croxen in obtaining housing. The SSHC conducted an investigation and was forced to divert its resources away from its housing counseling and education efforts and toward assisting Mr. Croxen in obtaining housing in the Kankakee area.

13. As a result of the defendants actions, Mr. Croxen has been forced to live in the street and under a bridge as well as in a shelter, has suffered severe physical injuries including an exacerbation of his bronchitis and the development of pulmonary pneumonia, as well as

emotional injury and embarrassment. Plaintiff Veterans Assistance Commission of Kankakee County has suffered economic loss related to its payments to Mr. Croxen and its statutory purpose of assisting disabled and needy military veterans has been thwarted by the defendants' conduct.

14. The actions of the defendants as set forth herein were wilful, malicious and taken in reckless disregard for the rights of the plaintiffs.

CLAIM FOR RELIEF - THE FAIR HOUSING AMENDMENTS ACT

15. The actions of defendants in refusing to rent to plaintiff, refusing to negotiate for rental and expressing a preference for non-disabled tenants, constitute discrimination on the basis of handicap in violation of Section 804 of the Fair Housing Act, 42 U.S.C. §3604.

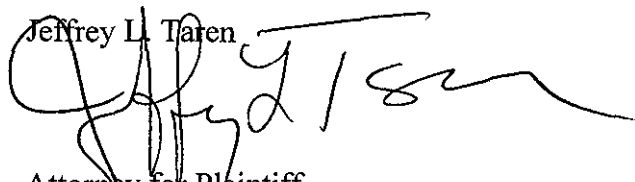
WHEREFORE, plaintiffs respectfully requests as follows:

- a. That, after a jury trial, this Court grant plaintiff temporary, preliminary and permanent injunctive relief enjoining Defendants from continuing to discriminate against Plaintiff and other persons with handicaps in violation of the Act.
- b. That this Court grant plaintiff remedial relief to remedy the past effects of defendants' discriminatory practices.
- c. That this Court award plaintiffs actual damages pursuant to the Fair Housing Act.
- d. That this Court award plaintiffs punitive damages.
- e. That this Court award plaintiffs all reasonable attorneys' fees and costs

associated with this action.

Respectfully submitted,

Jeffrey L. Taren

A handwritten signature in black ink, appearing to read 'Jeffrey L. Taren', written over a horizontal line.

Attorney for Plaintiff

Jeffrey L. Taren, Esq.

Kinoy, Taren, & Geraghty, P.C.

224 South Michigan, Suite 300

Chicago, Illinois 60604

(312) 663-5210

JS 44
(Rev. 12/96)

CIVIL COVER SHEET

02C 0171

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Michael F. Croxen, The Veterans Assistance Commission of Kankakee County, and The South Suburban Housing Center.

DEFENDANTS

Tivoli Enterprises, Inc., an Illinois Corporation, and Paula Doe.

JUDGE CASTILLO

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Kankakee
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Kinoy, Taren & Geraghty, P.C.
224 S. Michigan Ave., Suite 300
Chicago, IL 60604 (312) 663-5210

ATTORNEYS (IF KNOWN)

DOCKETED
JAN 08 2002

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | |
|----------------------------|----------------------------|---|----------------------------|----------------------------|
| PTF | DEF | | PTF | DEF |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Citizen of This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Citizen of Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| | | Incorporated or Principal Place of Business in This State | | |
| | | Incorporated and Principal Place of Business in Another State | | |
| | | Foreign Nation | | |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify) _____
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 180 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury -- Med. Malpractice <input type="checkbox"/> 365 Personal Injury -- Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/CC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input checked="" type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS -- Third Party 26 USC 7609

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Fair Housing Amendments Acts, 42 U.S.C. § 3601 et seq. and its implementing regulations, 24 CFR Part 100.203 et seq.

VII. REQUESTED IN COMPLAINT

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND:

☒ YES☐ NO

VIII. This case

☒ is not a refiling of a previously dismissed action.

☐ is a refiling of case number _____, previously dismissed by Judge _____

DATE

1-7-02

SIGNATURE OF ATTORNEY OF RECORD

Jeffrey L. Taren

UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

DOCKETED

JAN 08 2002

020 0171

In the Matter of

Michael F. Croxen, et al.,
Plaintiffs,

v.

Tivoli Enterprises, et al.,
Defendants.

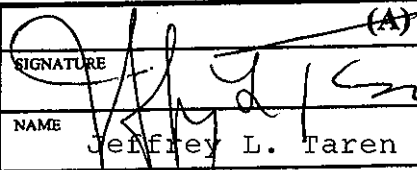
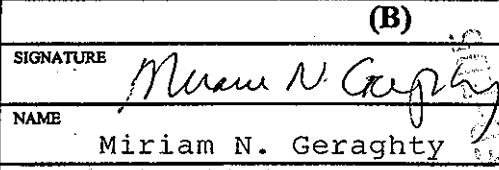
Case Number:

JUDGE CASTILLO
JUDGE CASTILLO

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

STATE JUDGE LEVIN

Plaintiffs

(A)		(B)	
SIGNATURE 		SIGNATURE 	
NAME Jeffrey L. Taren		NAME Miriam N. Geraghty	
FIRM Kinoy, Taren & Geraghty, P.C.		FIRM Kinoy, Taren & Geraghty, P.C.	
STREET ADDRESS 224 S. Michigan Ave., Suite 300		STREET ADDRESS 224 S. Michigan Ave., Suite 300	
CITY/STATE/ZIP Chicago, IL 60604		CITY/STATE/ZIP Chicago, IL 60604	
TELEPHONE NUMBER (312) 663-5210	FAX NUMBER (312) 663-6663	TELEPHONE NUMBER (312) 663-5210	FAX NUMBER (312) 663-6663
E-MAIL ADDRESS ktgp224@aol.com.		E-MAIL ADDRESS ktgp224@aol.com	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC#2796821		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC#0937150	
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TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
(C)		(D)	
SIGNATURE		SIGNATURE	
NAME		NAME	
FIRM		FIRM	
STREET ADDRESS		STREET ADDRESS	
CITY/STATE/ZIP		CITY/STATE/ZIP	
TELEPHONE NUMBER	FAX NUMBER	TELEPHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	
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DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	